

ELECTIONS COMMISSION

Meeting Minutes
April 11, 2012

ROLL CALL

PRESENT: Chair Smith, Vice-Chair Cosgrove, Commission Members Edgeworth, Louie and Pierre Dixon

ABSENT: None

STAFF: City Clerk Dennis Hawkins, and Sr. Deputy City Clerk Nora Pimentel

ORDER OF BUSINESS

I. Call to Order

The members of the San Jose Elections Commission convened at 5:39 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

II. Adoption of the Agenda

Upon motion by Commissioner Pierre Dixon, and seconded by Commissioner Edgeworth the Commission approved the adoption of the April 11, 2012 Agenda. Vote (4-1) Vice-Chair Cosgrove Absent

III. Public Comment

None.

IV. Closed Session

None.

V. Approval of Minutes

- A. January 11, 2012
Action: Upon motion by Commissioner Cosgrove, and seconded by Commissioner Louie the Commission unanimously approved the meeting minutes from January 11, 2012. Vote (5-0)
- B. January 17, 2012
Action: Upon motion by Commissioner Pierre Dixon, and seconded by Commissioner Louie the Commission unanimously approved the corrected meeting minutes from January 17, 2012. Vote (5-0)
- C. February 15, 2012 5:38 p.m. meeting (Continue Khamis Complaint)
February 15, 2012 6:22 p.m. meeting (Platten Complaint)

Commissioner Louie moved approval of the meeting minutes for February 15, 2012 special meeting (5:38 p.m.), seconded by Commissioner Pierre Dixon. Motion was withdrawn.

Action: Upon motion by Vice-Chair Cosgrove, seconded by Commissioner Pierre Dixon the Commission unanimously approved to defer the February 15, 2012 special meeting minutes regarding the Khamis complaint (5:38 p.m.) for more consideration. Vote (5-0)

Action: Upon motion by Commissioner Pierre Dixon, and seconded by Commissioner Louie, the Commission unanimously approved the meeting minutes for the February 15, 2012 special meeting which started at 6:22 p.m., regarding the Platten complaint, as amended.
Vote (5-0)

- D. March 14, 2012

Action: Upon motion by Vice-Chair Cosgrove, and seconded by Commissioner Louie the Commission unanimously approved the meeting minutes for the March 14, 2012 meeting as submitted.
Vote (5-0)

VI. Reports

- A. Chair Smith shared with the Commission an article by Mercury News Columnist Scott Herhold entitled, "Get rid of San Jose's Elections Commission" and he talked about his response letter to the editor.
- B. City Attorney – None

- C. City Clerk Dennis Hawkins reported that he has received two complaints and they have been referred to Hanson Bridgett for investigation, he spoken with Joan Cassman who informed him she expects to have the first complaint resolved within the next few weeks, the second complaint will have a quicker resolution. A special meeting is being considered to discuss both complaints, the fall back plan is to have it at the May 9 meeting.
- D. Investigator/Evaluator - None

VII. Items Scheduled for Action

- A. Review, discuss and adopt 1) draft of 2011/12 Annual Report and 2) draft 2012/13 Workplan.

Chair Smith briefly reviewed the proposed workplan that he and Commissioner Edgeworth drafted as a sub-committee with the assistance of the City Clerk Dennis Hawkins and Senior Deputy City Attorney Lisa Herrick. Commission discussion followed.

City Clerk Dennis Hawkins mentioned that one of the positive things about the reports to the Commission regarding compliance review is that it allows staff and the Commission the opportunity to discuss issues and the time to consider potential recommendations regarding changes to Title 12 for the 2014 campaign cycle.

Action: Upon motion by Vice-Chair Cosgrove, seconded by Commissioner Pierre Dixon the Commission unanimously approved the 2012/13 Workplan and authorized the City Clerk to forward the proposed workplan to the City Council Rules and Open Government Committee for their review and approval. Vote (5-0).

Chair Smith reviewed the draft Annual Report that he and Commissioner Edgeworth as a sub-committee worked on together. Commission discussion followed.

Action: Upon motion by Commissioner Cosgrove, seconded by Commissioner Pierre Dixon the Commission unanimously approved to defer the adoption of the 2011/12 Annual Report until June. Vote 5-0

VIII. Items Scheduled for Information or Discussion

- A. Status Report on 2012 Elections
City Clerk Dennis Hawkins reported that there has been a lot of activity on the election side especially about ballot Measure B. He briefly talked about the court's ruling to make some language change; it is now the "Pension Modification" instead of the "Pension Reform". He mentioned that the

ballot question has been shortened and simplified. He also mentioned that there have been several court hearings on this matter. He mentioned that a Prima facie review has been conducted on the campaign disclosure forms that were due on March 22, 2012 letters will be generated to request amendments and will allow 10 days for candidates to make any necessary corrections or amendments.

Commission questions followed.

- B. Status of proposed changes to the Gift Ordinance
There was no report.

IX. Meeting Schedule and Agenda Items

The next Regular Meeting is Wednesday, May 9, 2012 for possible hearings.

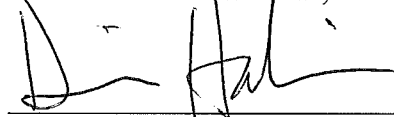
X. Adjournment

The meeting was adjourned at approximately 6:45 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION
DENNIS D. HAWKINS, CMC, SECRETARY



Dennis D. Hawkins, CMC